

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America )  
 v. )  
 - 01 Francisco Javier GOMEZ ) Case No. M-19-1133-M-01  
 YOB: 1971 )  
 )  
 )  
 )  
 )

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 16, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*  
18 USC Section 554

*Offense Description*

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: 3000 rounds of 7.62 x 39 caliber ammunition, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendants had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

*Approved by AUSA Andrew Henning*

*5/17/19 at 8:30am*

*muz*  
Complainant's signature

Ryan McTaggart Special Agent HSI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/17/19 - 9:14a.m.

*Juan F. Alanis*  
Judge's signature

City and state: McAllen, Texas

Juan F. Alanis United States Magistrate Judge  
Printed name and title

Attachment "A"

On May 16, 2019, Homeland Security Investigations (HSI) Special Agents (SA) received information regarding a suspicious purchase of ammunition from a Federal Firearms Licensee (FFL) in McAllen, Texas.

SAs responded to the area and observed a male, later identified as Francisco GOMEZ (hereafter referred to as GOMEZ) who matched the physical description of an individual involved in the suspicious purchase, loading packages into a truck bearing Mexican license plates.

Surveillance was initiated on the vehicle as it departed the FFL and when the vehicle stopped in a public parking lot, SAs approached GOMEZ and identified themselves to GOMEZ. During the consensual encounter GOMEZ stated GOMEZ had ammunition in the vehicle but when asked by SAs if GOMEZ owned any firearms, GOMEZ stated, "No." GOMEZ offered to show SAs the ammunition and SAs observed multiple packages of ammunition, including 7.62 x 39 caliber ammunition, in the passenger side of GOMEZ vehicle.

On May 16, 2019, GOMEZ, under rights advisement and waiver, stated GOMEZ was recruited to purchase the ammunition by an unnamed co-conspirator, in Mexico, for the unnamed co-conspirator in Mexico. GOMEZ stated GOMEZ received the money to purchase the ammunition and instructions on what ammunition to purchase from the unnamed coconspirator in Mexico and then traveled to the United States to purchase the ammunition.

GOMEZ stated after purchasing the ammunition GOMEZ was going to turn the ammunition over to another unnamed co-conspirator who GOMEZ believed would smuggle the ammunition into Mexico.

GOMEZ stated GOMEZ knew it was illegal to smuggle ammunition into Mexico and GOMEZ had previously purchased ammunition for the unnamed co-conspirator in Mexico on at least two (2) occasions.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), 7.62 x 39 caliber ammunition is determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).